

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
OPEN MEETING MINUTES
JANUARY 23, 2018**

Trustees Present:

Michael Calkins, Chair
Jerome Klasmeier, representing Comptroller Peter Franchot
Susanne Brogan, representing Treasurer Nancy Kopp
Deborah Herr Cornwell, representing Acting Secretary Robert McCord, Maryland
Department of Planning
Julie Oberg, representing Secretary Joseph Bartenfelder, Maryland Department
of Agriculture
Catherine Cosgrove
Bernard L. Jones, Sr.
Tom Mason
Ralph Robertson
Taylor Huffman
Joe Wood
J. Bruce Yerkes

Trustees Absent:

William Allen

Others Present:

Michelle Cable, MALPF Administrator
Diane Chasse, MALPF Administrator
Amanda Wilson, MALPF Fiscal Specialist
Kim Hoxter, MALPF Monitoring, Enforcement and Database Coordinator
Tamekia Dent, MALPF Office Secretary
Carol S. West, MALPF Executive Director
Justin Hayes, Assistant Attorney General, Department of Agriculture
Patrick Martyn, Assistant Attorney General, Department of General Services
Nancy Forrester, Assistant Attorney General, Department of General Services
Jeanine Nutter, Prince George's County Program Administrator
Steve O'Connor, Cecil County Program Administrator
Martin Sokolich, Talbot County Program Administrator
Wally Lippincott, Baltimore County Program Administrator
Wayne McGinnis, Baltimore County Landowner
Harriet McGinnis, Baltimore County Landowner
Billy Gorski, Anne Arundel County Planner

Others Present By Phone Conferencing:

Anne Bradley, Frederick County Program Administrator
J. R. Ramsburg, Frederick County Landowner

Mr. Jones, Acting Chair, called the meeting to order at 9:05 a.m. at the Maryland Department of Agriculture building, Annapolis, Maryland. The guests and then the Board and staff introduced themselves.

Mr. Calkins, Board Chair, joined the meeting at 9:10 a.m.

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I. APPROVAL OF MINUTES

A. Approval of Open Minutes from November 28, 2017.

Motion #1: To approve minutes from November 28, 2017.

Motion: Wood Second: Robertson
Status: Approved

II. ADDITION / DELETION OF AGENDA ITEMS

N/A

III. ANNOUNCEMENTS

Ms. West informed the Board that the 2018 Legislative Session has begun. Governor Hogan has submitted a proposed FY 2019 State budget that includes \$48,976,142 for the MALPF program's capital budget (the budget that is used to purchase easements). The General Assembly will vote on the Governor's proposed budget near the end of the session and does not have the ability to increase any of the Governor's proposed allocations. They can only approve the numbers as they have been presented or they can lower them.

Ms. West informed the Board that they should give serious consideration to whether or not they will operate a single-year cycle for FY 2019. This decision will be made when the State budget is approved and it is known what the exact allocation will be for the program.

Ms. West will be retiring effective June 30, 2018 and the program will be down at least her position until the Secretary of MDA replaces her. If there are other changes to the MALPF staff, that could result in an additional one or two positions that might need to be filled and trained. This, combined with the fact that there are not enough attorneys on staff to handle a doubling of the workload for due diligence of getting easements to settlement and to service other easement requests, the Board must give careful consideration before approving a single year cycle.

There are two new Board members: 1) Julie Oberg has recently been appointed the Deputy Secretary of MDA. She will sit on the Board as a representative of MDA's Secretary; and 2) Taylor Huffman has replaced Milly Welsh as the Ag Commission representative.

IV. EASEMENT AMENDMENTS

A. BALTIMORE COUNTY

1. 03-80-06A McGinnis, Wayne & Harriet ~479 acres

Request:

Request retroactive approval to agriculturally subdivide the property into a ~259 acre parcel, a ~159 acre parcel, and a ~59 acre parcel.

Recommendation:

In accordance with the Foundation's Agricultural Subdivision regulations, Staff recommends approval, subject to the following conditions:

1. The regulatory conditions;
2. That the indicated pre-existing dwellings on two of the subdivided parcels become non-subdivideable (owners included this in their application);
3. That the two separate tax accounts that make up the ~159 acre parcel be consolidated into a single tax account; and
4. That each corrective easement specifies the retained family lots available. (There are three children, each eligible for a child lot as long as Mr. and Mrs. McGinnis retain a continuous ownership of the parcels, including the ownership of the LLC.)

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Ms. Cable introduced the item. Mr. Lippincott and Mr. and Mrs. McGinnis were available for comments and questions. A Board member asked Mr. and Mrs. McGinnis to confirm that they accepted the conditions recommended by staff, specifically the merging of the tax accounts on the 159-acre parcel. Mr. and Mrs. McGinnis responded affirmatively that they accept the conditions.

Motion #2: Approve the request retroactive approval to agriculturally subdivide the property into a ~259 acre parcel, a ~159 acre parcel, and a ~59 acre parcel. Approval includes staff recommendations.

Motion: Robertson Second: Cosgrove
Status: Approved

B. CECIL COUNTY

1. 07-99-07A England Family ~62.16 acres

Request:

Request for a 5-year extension to the validity of the preliminary release for the approved child's lot for William David England (Lot 1).

Recommendation:

Under COMAR 15.15.06.05.B.2, Staff recommends approval for the extension.

Ms. Cable introduced the item. Mr. O'Connor was available for comments and questions. Ms. Cable informed the Board that the situation associated with Lot 2, provided as additional information on the agenda item, has been resolved and therefore the Board need not address it.

Motion #3: To approve the request for a 5-year extension to the validity of the preliminary release for the approved child's lot for William David England (Lot 1).

Motion: Jones Second: Yerkes
Status: Approved

C. FREDERICK COUNTY

1. 10-09-08 SUB#3 Ramsburg Family, LLC ~148.5994 acres
(Jacob (J.R.) Ramsburg, Jr.)

Request:

- 1) Void Board approval for a 48 acre agricultural subdivision to be merged with 275 acres for a total of 323 acres and a remainder of 100 acres; and
- 2) To approve a 48.5 acre agricultural subdivision to be merged with 6.9 acres of unleased land for a total of 55.4 acres. The remainder would be 100 acres.

Recommendation:

Staff recommends approval of both #1 and #2, contingent on:

- 1) Receiving approval from the Farm Protection Program,
- 2) A prohibition on further subdivision of 100 acre parcel documented in the Corrective Easement, and
- 3) The 55.4 acres to being reduced to one tax account.

Ms. Chasse introduced the item. Ms. Bradley and Mr. Ramsburg were available for via conference call for comments or questions.

A Board member confirmed with Mr. Ramsburg that he is agreeable with the conditions of approval.

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Motion #4: To approve the request to:

- 1) Void Board approval for a 48 acre agricultural subdivision to be merged with 275 acres for a total of 323 acres and a remainder of 100 acres; and
- 2) To approve a 48.5 acre agricultural subdivision to be merged with 6.9 acres of uneased land for a total of 55.4 acres. The remainder would be 100 acres.

Approval includes all staff recommendations.

Motion: Jones Second: Cosgrove
Status: Approved

V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:

A. BALTIMORE COUNTY

1. 03-17-06 Johansson Family LLC 78.9 acres

Ms. Cable presented the item; Mr. Lipponcott was available for questions. Ms. Cable informed the Board that the landowners' attorney informed MALPF staff about the unrecorded lease prior to signing the option contract. If approved, MALPF staff will revise the option contract to reflect the use envelope.

Motion #5: To approve the request for an ~0.8 acre for the cell tower, with access, as a "permitted use envelope". Approval includes staff recommendation that as long as the cell phone company leases the land, the designated envelope will not be subject to the terms of the MALPF easement. If in the future it no longer is used for the cell phone company, the envelope will dissolve and be subject to the terms of the easement.

Motion: Jones Second: Cosgrove
Status: Approved

B. CECIL COUNTY

1. 07-17-04 Losten's Dairy, L.P. 415.5 acres

Ms. Cable presented the item; Mr. O'Connor was available for questions. Ms. Cable informed the Board that the sign was discovered by the surveyor and delineated on the plat. The landowners have been very cooperative, wanting to resolve the matter.

Motion #6: To approve the request for an ~20 sq. ft. non-conforming use area for an advertisement sign. Approval includes staff recommendation that as long as the sign advertisement lease for the yacht club is valid, the designated envelope will not be subject to the terms of the MALPF easement. If in the future it no longer is used for the yacht club advertisement signage, the envelope will dissolve and be subject to the terms of the easement.

Motion: Cosgrove Second: Jones
Status: Approved

VI. PROGRAM POLICY

- A. Permitted Uses Policy – Revision

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Request:

MALPF Staff requests the revision of the Permitted Uses Policy, item #10, "Processed (value added) products" to add the following language (shown as **bold/underlined**):

"Some of the products must come from animals raised or crops grown on site; the remainder must come from animals raised in or crops grown in Maryland or regionally produced, **unless landowner can demonstrate the need for non-regionally produced products, which shall be specifically approved by the Board.**"

Ms. Cable introduced the item; the Board had no concerns regarding the request.

Motion #7: To approve the request to revise the Permitted Uses Policy, item #10 as recommended.

Motion: Jones Second: Wood
Status: Approved

B. Talbot County Recertification

Request:

To approve the Talbot County request for recertification for the period July 1, 2017 through June 30, 2020.

Ms. Chasse and Ms. Herr Cornwell introduced the item. Mr. Sokolich was available for comments or questions.

Motion #8: To approve Talbot County's request for recertification for the period July 1, 2017 through June 30, 2010.

Motion: Wood Second: Cosgrove
Status: Approved

C. Revised Regulations for Easement Termination Requests COMAR 15.15.05

Request:

MALPF Staff requests the final approval of the Easement Termination Request Regulation – COMAR 15.15.05.

Ms. Cable introduced the item. Mr. Hayes was available for comments or questions. The Board asked Ms. Cable to refresh their memory on the changes that will be made with the updated regulations.

Motion #9: To give final approval of the Easement Termination Request Regulations – COMAR 15.15.05.

Motion: Wood Second: Klasmeier
Status: Approved

D. Prince George's County Ranking System

Request:

Prince George's County requests approval of its revised Ranking System.

Ms. Chasse introduced the item. Ms. Nutter was available for comments or questions.

Motion #10: To approve Prince George's County's request for approval of its revised Ranking System.

Motion: Cosgrove Second: Jones
Status: Approved

VII. INFORMATION AND DISCUSSION

A. Fiscal Year 2018 Quarterly Inspection Report

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Respectfully Submitted:

Carol S. West, MALPF Executive Director